Nadler Examines Racial Profiling in Law Enforcement
Friday, 18 June 2010

WASHINGTON, D.C. - Today, Congressman Jerrold Nadler (D-NY), Chair of the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties, chaired a hearing on Racial Profiling and the Use of Suspect Classifications in Law Enforcement Policy. The hearing allowed members of the Subcommittee to explore the impact of racial profiling and the use of suspect classifications in law enforcement policy.

"Racial profiling is a problem not simply because it unfairly targets people for different treatment by law enforcement based on immutable characteristics, such as race, nationality, or religion, but because it is bad policing," said Nadler. "Looking for people of a certain race in the hope that this will make it easier to find criminals is simply not an effective way to identify and apprehend the bad guys and make us all safer. The solution lies not just in enforcement of rules against profiling, but in education and training for our law enforcement personnel. Our law enforcement officers deserve our support and effective tools to do their jobs."

Over the past two decades, tensions between police and communities of color have grown as allegations of racial profiling by law enforcement agents have increased in number and frequency. The terrorist attacks of September 11, 2001 and the ongoing immigration enforcement debate have only exacerbated these profiling issues. In response to rising concerns, the Department of Justice under the past two presidents and various members of Congress have, respectively, introduced a series of executive orders and legislative proposals designed to address the practice.

Witnesses at the hearing were: Hilary O. Shelton, Director, NAACP Washington Bureau; Chief Christopher Burbank, Salt Lake City Police Department; Brian L. Withrow, Associate Professor of Criminal Justice, Texas State University; Deborah Ramirez, Professor of Law, Northeastern University Law School; Amardeep Singh, Legal Director, Sikh Coalition; Philip Atiba Goff, Executive Director of Research, Consortium for Police Leadership in Equity, University of California, Los Angeles; and, Farhana Khera, President and Executive Director, Muslim Advocates.

Below is the text of Nadler's opening statement, as prepared:

"Today's hearing examines racial profiling and the use of suspect classifications in law enforcement policy. Racial profiling is a problem not simply because it unfairly targets people for different treatment by law enforcement based on immutable characteristics, such as race, nationality, or religion, but because it is bad policing. Looking for people of a certain race in the hope that this will make it easier to find criminals is simply not an effective way to identify and apprehend the bad guys and make us all safer. It would be nice if all criminals and terrorists walked around with the mark of Cain on their foreheads, but the real world is not like that.

"Focusing on people who fit the profile of what some believe a criminal would or should look like distracts and diverts the attention of law enforcement in ways that can prove disastrous to public safety. So, in addition to being unfair, profiling does not even deliver on its alleged benefit.

"What makes the problem of racial profiling more complex - and requires policy makers to think about it in a more careful and sophisticated manner - is that it cannot simply be attributed to a few racists abusing their power. They are still with us, but, just as it would be easier if every crook carried around a sign saying ‘I'm a bad guy,' so too it would make our jobs a lot easier if every law enforcement officer who engaged in the practice looked like Bull Connor. We don't have that luxury.

"We need to deal with the fact that profiling is not always, and not necessarily, a result of racial or religious hatred. It can be the result of poor training, flawed policing methods, or simply conventional wisdom which may not be true, but which is commonly held. This is not to say that bigots haven't tried, sometimes successfully, to use the

public's justifiable fear of crime and terrorism to malign entire groups or faiths. Racist demagoguery is still with us, and we have an obligation to confront it forcefully and effectively. However, the facts clearly belie the assertion that profiling is good or effective law enforcement. The view that it is appropriate for law enforcement to go after certain groups is, thankfully, a marginal one in this day and age.

"Today's hearing will look at all dimensions of racial profiling, and examine what actions Congress can take to protect individuals from being singled out by law enforcement for reasons having nothing to do with whether or not they have committed some kind of wrongdoing. The solution lies not just in enforcement of rules against profiling, but in education and training for our law enforcement personnel. Our law enforcement officers deserve our support, and the tools they need to do their jobs effectively.

"I want to thank the Chairman of the full Committee for his efforts over the years, and for his continued leadership on this very important issue. The effort to eliminate racial profiling has never been a partisan one, and I hope that, as we move forward, we can consider solutions to this problem in a businesslike manner. I look forward to working with the Chairman as the Committee moves forward with this very important effort.

"I welcome our witnesses, and I look forward to your testimony. I yield back the balance of my time."